

**PHYSICAL THERAPY BOARD OF CALIFORNIA
INITIAL STATEMENT OF REASONS**

Hearing Date: August 7, 2008

Subject Matter of Proposed Regulations: To define continuing competency requirements for physical therapists and physical therapist assistants.

(1) Sections Affected: Add sections 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98 and 1399.99 to Title 16. Amend sections 1399.50 and 1399.52 of Title 16.

PROBLEM ADDRESSED: Assembly Bill 120 (stats. 2006, chapter 540) modified Business and Professions Code section 2676 requiring demonstration of continuing competency as a condition of licensure renewal for physical therapists and physical therapist assistants. Pursuant to section 2676 of the Business and Professions Code, the board is required to promulgate regulations defining continuing competency requirements. The proposed regulations specify when, how and under what circumstances a licensee may accumulate qualifying continuing competency hours, administrative provisions for enforcing the requirement including establishing fees, inactive status and waiver provisions.

SPECIFIC PURPOSE:

- (1) Add Article 13, Continuing Competency Requirements and Inactive License Status, Section 1399.90, Definitions

This section defines terms used throughout the continuing competency regulations, as follows: 1) *ABPTS*, as the American Board of Physical Therapy Specialists; 2) *Accredited institution*, as an educational institution accredited by the United States Department of Education; 3) *Approval agency*, as an entity that approves providers of continuing education courses; 4) *Approved provider*, as a person or entity that offers, sponsors or provided continuing education courses; 5) *APTA*, as the American Physical Therapy Association; 6) *CPTA*, as the California Physical Therapy Association; 7) *FSBPT*, as the Federation of State Boards of Physical Therapy; and, 8) *Hour*, as the unit of measurement for continuing competency and for courses as at least 50 minutes of instruction.

The definitions are included to add clarity and eliminate ambiguity for licensees and other readers.

- (2) Add section 1399.91, Continuing Competency Required

This section requires a licensee to accumulate 30 hours of continuing competency hours in each renewal cycle.

The Board adopted the statutory maximum hours since it was determined to be reasonably likely to provide continuing competency for the licensee and consistent with

other like licensing programs in California and physical therapy practice acts of other states.

The implementation dates were adopted by the Board to enact the regulations as mandated by the legislature within the earliest timeframe possible while allowing adequate time to conclude the rulemaking process.

(3) Add section 1399.92, Content Standards for Continuing Competency

Requires continuing competency hours to be obtained in subjects related to either the professional practice of physical therapy or patient/client management.

The Board determined that the imposed content standard to be the most valuable and applicable for insuring continuing competency of physical therapist and physical therapist assistant licensees since it is consistent with the standard set by the Federation of State Boards of California (FSBPT).

(4) Add section 1399.93, Continuing Competency Subject Matter Requirements and Other Limitations

This section establishes two hours in ethics, laws and regulations or some combination thereof, and four hours in life support for health care professionals, as mandatory requirements for satisfying part of the continuing competency condition for licensure renewal.

The Board mandated licensees stay current in ethics, laws and regulations because the laws and regulations change regularly. The necessity of maintaining current life support certification as a condition of renewal is consistent with the requirements of the American Heart Association. The Board felt that currency of ethics; laws, regulations and life support were paramount.

(5) Add section 1399.94, Authorized Pathways for Obtaining Hours

This section defines traditional pathways and alternate pathways for obtaining hours towards satisfying the continuing competency requirement.

The Board appointed a task force of members consisting of both physical therapist and physical therapist licensees from varying healthcare backgrounds, educators, clinical coordinators, board members and Board staff. The Board encouraged and received participation by representatives from the California Physical Therapy Association, course providers, licensees and other interested parties. The task force reviewed the practice acts from like licensing programs within California; physical therapy practice acts from other states, and, the Continuing Education Criteria from the Federation of State Boards of Physical Therapy. Subsequently, the Board considered the language proposed by the task force and included it as the subject of an open forum at multiple meetings. Ultimately, the board identified pathways for continuing education that are traditional (universally offered and approved) and alternative (less frequently used by licensees, but still valid means for keeping knowledge current). The final categories

include those means that offer a licensee an opportunity to maintain continuing competency in a means that is measurable for administration by board staff.

(6) Add section 1399.95, Standards for Approval Agencies

This section establishes standards for agencies gaining recognition as an approval agency.

The Board determined that it lacked the manpower to approve individual providers and therefore set standards for board recognition of approval agencies that will be responsible for approving providers.

(7) Add section 1399.96, Standards for Approved Providers

This section establishes standards for approval agencies before they may approve a provider.

Although the Board will recognize approval agencies, it also establishes standards for the approval agency to approve providers to make it more likely that the courses convey minimum competency.

(8) Add section 1399.97, Record Keeping

This section defines acceptable means of record keeping by the licensee required to satisfy an audit.

The Board determined that the record keeping requirements imposed are the most efficient means for determining compliance with the continuing competency requirements.

(9) Add section 1399.98, Inactive Status

This section establishes criteria for placing a license in inactive status and returning to an active license.

The Board created an inactive status option for the non-practicing licensee who wishes to maintain a license without obtaining continuing competency hours. This was created in response to the multiple requests received from licensees not currently practicing. It is also consistent with other licensing practice acts.

(10) Add section 1399.99, Exemption from Continuing Competency Requirements

This section establishes criteria for qualifying for an exemption from continuing competency requirements.

This exemption requirement was established to exempt those who are unable to satisfy the continuing competency requirements for varying valid reasons, but still wish to practice.

(11) Amend sections 1399.50 and 1399.52

The amendments to these sections delete the obsolete reference to fees paid with applications postmarked after January 1, 2006 and examination fees paid after December 1, 2005. The amendments also add a continuing competency fee which shall be effective for licensing periods beginning on or after 90 days from the effective date of the regulation.

If possible, the Board will modify the text at some point in the future by deleting “90 days after the effective date” and substituting the actual effective date once the board knows what that date will be.

The \$10 fee imposed on licensees is authorized by statute and was arrived at by determining the costs of creating and supporting the program divided by the number of licensees. The costs was determined to be \$274,000 biennially, divided by 27,000 physical therapist and physical therapist assistant licensees.

The text referencing the implementation date of the application and license fees was deleted since it was obsolete and made the regulation more difficult to read.

FACTUAL BASIS: Assembly Bill 120 (stats. 2006, chapter 540; Cohn) requires a licensed physical therapist and physical therapist assistant to submit proof satisfactory to the Physical Therapy Board of California (Board) that he or she has completed the required number of continuing education hours as established by regulation. Consequently, the Board appointed a task force charged to propose regulations specifying criteria to meet continuing competency requirements for license renewal of physical therapists and physical therapist assistants. Additionally the task force was charged with establishing within the regulations a timeline for implementation; a minimum number of contact hours; and, an inactive and waiver status.

UNDERLYING DATA: There is no underlying data. (Federation of State Boards of Physical Therapy for Continuing Competency, Continuing Competency Task Force minutes.

SMALL BUSINESS IMPACT: These regulations could have a significant adverse economic impact on businesses that employ physical therapists and physical therapist assistants.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES: No alternatives, which were considered, would either be more effective than or equally less burdensome than the proposed regulations.